

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA

**CLERK'S INSTRUCTIONS FOR CHAPTER 11 CASES**

**I. ADDITIONAL FILING REQUIREMENT FOR CHAPTER 11 DEBTORS**

Pursuant to Administrative Order 00-03, chapter 11 debtors, except individual debtors not engaged in business, are required to file, within 15 days after filing the petition or after conversion to chapter 11, a certified report containing financial information regarding payroll and sales taxes. Only the original (with certificate of service included) need be filed with the court. See AO 00-3 for details.

**II. PROCEDURES FOR OBTAINING DISCLOSURE AND CONFIRMATION HEARINGS**

The attorney for the proponent of a Chapter 11 Plan will be responsible for obtaining disclosure and confirmation hearing dates as follows:

(1) In advance of filing the plan and disclosure statement, the attorney is responsible for obtaining updated claims and service lists from the clerk's office. If the claims bar date has not yet expired at the time the disclosure statement and plan are filed, the attorney must obtain another updated claims service list prior to the confirmation hearing. Any delays in receiving the claims update should be brought to the attention of Mike Floyd, Operations Supervisor, at 536-5216, extension 3027.

(2) Order Setting Disclosure Hearing: At the time of filing the original plan and disclosure statement (with one copy filed with the U.S. trustee's Office), a Local Form ORDER (I) SETTING HEARING TO CONSIDER APPROVAL OF DISCLOSURE STATEMENT; (II) SETTING DEADLINE FOR FILING OBJECTIONS TO DISCLOSURE STATEMENT; AND (III) DIRECTING PLAN PROPONENT TO SERVE NOTICE (LF-32A) must accompany the plan and disclosure statement. Sufficient copies and envelopes must be provided for the debtor, attorney for debtor, U.S. trustee, and, if applicable, the case trustee, creditor proponent of plan, and attorney for creditor proponent of plan. ALL DATES SHOULD BE LEFT BLANK. The courtroom deputy will complete the order and present it to the judge for signature. Conformed copies will be mailed to attorney for plan proponent, attorney for debtor, and U.S. trustee. The attorney for plan proponent shall serve the order pursuant to the instructions contained in the order. If the attorney for the proponent of the plan has not received the order within 2 weeks of filing the plan, the courtroom deputy should be contacted to determine the cause for the delay.

(3) Order Setting Confirmation Hearing: The attorney for the plan proponent shall bring to the disclosure hearing, WITH DATES LEFT BLANK, the Local Form ORDER (I) APPROVING DISCLOSURE STATEMENT; (II) SETTING HEARING ON CONFIRMATION OF PLAN; (III) SETTING HEARING ON FEE APPLICATIONS; (IV) SETTING VARIOUS DEADLINES; AND (V) DESCRIBING PLAN PROPONENT'S OBLIGATIONS (LF-32B) so that if the disclosure statement is approved, the order can be entered by the court at the conclusion of the hearing.

**[Note: For small business Chapter 11 cases, LF-64 must be used in lieu of LF-32A and LF-32B.]**

*See also Local Rules 3016-2, 3017-1, 3017-2, 3018-1, 3020-1, 3022-1.*

### **III. REPORTS ON CONFIRMATION**

The Local Form "Certificate of Proponent of Plan on Acceptance of Plan, Report on Amount to be Deposited, Certificate of Amount Deposited and Payment of Fees", with accompanying Exhibits A-D (LF-34), must be submitted on or before the date indicated in Local Form Order 32B. The Local Form "Confirmation Affidavit" must also be filed (LF-62).

*See also Local Rule 3020-1.*

### **IV. CONVERSIONS**

Pursuant to Local Rule 1017-1, every motion must be accompanied by the appropriate Local Form order of conversion, together with sufficient pre-addressed stamped envelopes for debtor, attorney for debtor and U.S. trustee. **If converting to Chapter 7, the motion must be accompanied by a \$15.00 filing fee.**

### **V. NOTICE OF REQUIREMENTS FOR FILING SCHEDULE OF POSTPETITION DEBTS AND BANCAP MATRIX UPON CONVERSION OF CASE TO CHAPTER 7**

Pursuant to Bankruptcy Rule 1019(5), a Chapter 11 debtor in possession (or trustee if one was appointed) must file, within 15 days of entry of the order of conversion, a schedule of unpaid debts incurred after commencement of the superseded case, including the name and address of each creditor. Local Rule 1019-1(B) provides that this schedule must also be accompanied by a BANCAP matrix listing these creditors in the form required by the "Clerk's Instructions for Preparing Matrices" (CI-3). The debtor is responsible for providing notice to those creditors.

### **VI. NOTICE OF PROCEDURE FOR CLOSING A CONFIRMED CHAPTER 11 CASE**

Local Rule 3022-1 requires the debtor to file a Local Form "Final Report and Motion for Final Decree Closing Case" (including a report of payment exhibit A) (LF-35) within 60 days after the order confirming the plan becomes final. Upon receipt of the report by the clerk's office, with a copy to the U.S. trustee, a 30 day deadline will be set for the U.S. trustee's Office to object to the report. Absent any objections or upon resolution of any objections, a Final Decree closing the case will be prepared by the clerk's office and a copy mailed to the attorney for the debtor.

### **VII. LOCAL FORMS LIST**

The following forms referred to in these procedures can be obtained from the intake sections of any division of the clerk's office.

"Order (I) Setting Hearing to Consider Approval of Disclosure Statement; (II) Setting Deadline for Filing Objections to Disclosure Statement; and (III) Directing Plan Proponent to Serve Notice" (LF-32A)

"Order Conditionally Approving Disclosure Statement and Setting Hearing on Final Approval of Disclosure Statement and Confirmation of Chapter 11 Plan" (LF-64)

"Order (I) Approving Disclosure Statement; (II) Setting Hearing On Confirmation of Plan; (III) Setting Hearing On Fee Applications; (IV) Setting Various Deadlines; And (V) Describing Plan Proponent's Obligations" (LF-32B)

"Ballot and Deadline for Filing Ballot Accepting or Rejecting Plan" (LF-33)

"Certificate of Proponent of Plan on Acceptance of Plan, Report on Amount to be Deposited, Certificate of Amount Deposited and Payment of Fees", with accompanying Exhibits A-D (LF-34)

"Confirmation Affidavit" (LF-62)

"Clerk's Instructions for Preparing Matrices" (CI-3)

"Order Converting Case Under Chapter 11 To Case Under Chapter 7" (LF-9)

"Final Report and Motion for Final Decree Closing Case" (including a report of payment exhibit A) (LF-35)

## **VIII. MAILING ADDRESSES**

An address list on reverse side of this notice for your assistance in noticing bankruptcy cases.

Karen Eddy, Clerk  
U. S. Bankruptcy Court

QUESTIONS CONCERNING THESE PROCEDURES SHOULD BE DIRECTED TO THE COURTROOM DEPUTY FOR THE ASSIGNED JUDGE.

The following addresses are provided for your assistance in noticing Chapter 11 Bankruptcy Cases:

1) **U.S. BANKRUPTCY COURT**

**Clerk's Office - Miami Division**

Claude D. Pepper Building (305) 536-5216  
51 S.W. First Ave. #1517  
Miami, Florida 33130-1669

Chief Judge Robert A. Mark Courtroom #1406  
Judge A. Jay Cristol Courtroom #1410

**Clerk's Office - FTL Division**

U.S. Courthouse (954) 769-5700  
Room 112  
299 East Broward Blvd.  
Ft. Lauderdale, Fl. 33301

Judge Raymond B. Ray Courtroom #308  
Judge Paul G. Hyman, Jr.

**Clerk's Office - WPB Division**

Federal Building (561) 655-6774  
Room 202  
701 Clematis Street  
West Palm Beach, Fl. 33401

Judge Steven H. Friedman Courtroom #6

2) **Office of U.S. trustee** (305) 536-7285

51 S.W. First Ave.  
Room 1204  
Miami, Fl. 33130

3) **Internal Revenue Service**

Special Procedures - Insolvency  
P.O. Box 17167 Stop 5760  
Attn: Bankruptcy Unit  
Ft. Lauderdale, Fl. 33318

4) **State of Florida/Dept. of Revenue**

Bankruptcy Section  
P.O. Box 6668  
Tallahassee, Fl. 32314-6668